

IN THE UNITED STATES DISTRICT COURT **FILED**
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division

2012 AUG 17 P 1:15

CLERK'S OFFICE, EASTERN DISTRICT
ALEXANDRIA, VA CIRCA

MICROSOFT CORPORATION, a)
Washington corporation,)
Plaintiff,)
v.)
DOMINIQUE ALEXANDER PIATTI, an) Civil Action No: 1:11cv1017 (JCC/IDD)
individual; DOTFREE GROUP S.R.O., a)
Czech limited liability company, and)
ANDREY N. SABELNIKOV, an individual,)
CONTROLLING A COMPUTER BOTNET)
THEREBY INJURING MICROSOFT AND)
ITS CUSTOMERS)
Defendants.)

DECLARATION OF KONSTANTIN KASIAN RE SERVICE OF PROCESS

I, Konstantin Kasian, declare as follows:

1. I am an associate with the law firm of Orrick (CIS), LLC ("Orrick"), counsel for Plaintiff Microsoft Corp. ("Microsoft"). I make this declaration to establish service of process and notice upon Defendant Andrey N. Sabelnikov. I make this declaration of my own personal knowledge and, if called as a witness, I could and would testify competently to the truth of the matters set forth herein.

2. On January 27, 2012, I deposited English and Russian translated copies of the First Amended Complaint and summons to Mr. Sabelnikov with the post office in Moscow, Russian Federation, to be sent to Mr. Sabelnikov's address at 5 Voskov Street, Apartment 15, St. Petersburg 197198, Russian Federation. Attached as Exhibit 1 is a true and correct copy of the notification card, list of documents to be sent and post office receipt.

3. On February 9, 2012, I communicated with Mr. Sabelnikov and his counsel, Mr. Igor Guschev of the law firm Duvernoix Legal in St. Petersburg. At that time I arranged that a

meeting would occur with Mr. Sabelnikov and his counsel on February 21, 2012 at 10:00 a.m. at the offices of Duvernoix Legal in St. Petersburg. On February 10, 2012, Mr. Guschev sent me an email confirming the scheduling of the meeting.

4. On February 21, 2012, at 9:54 a.m. (St. Petersburg local time) I arrived at the office of Mr. Sabelnikov's counsel, the law firm Duvernoix Legal, 140 Nevskiy Prospekt, 5th Floor, St. Petersburg, Russian Federation. I had in my possession English and Russian translated copies of the First Amended Complaint and summons to Mr. Sabelnikov. I was met by Igor Guschev, Mr. Sabelnikov's counsel, at approximately 10:05 a.m. (St. Petersburg local time). Shortly after that point, I was brought to a conference room at the law firm and was introduced to Mr. Sabelnikov who attended the meeting. Mr. Sabelnikov is a male, who appeared to be in his early 30s, with brown hair and brown eyes and approximately 5 feet, 10 inches tall. At that time, shortly after 10:05 a.m., upon being introduced to Mr. Sabelnikov at the meeting, I personally hand delivered to Mr. Sabelnikov the English and Russian translated copies of the First Amended Complaint and summons. During the meeting I discussed with Mr. Sabelnikov and his counsel the substance of this case and engaged in a negotiation with them. Attached as Exhibit 2 is a true and correct copy of the Proof of Service form attached to the summons that I have executed reflecting these facts.

5. I am a lawyer licensed to practice law in the Russian Federation. Under the law of the Russian Federation, personal hand-delivery of a complaint and summons to a defendant in a lawsuit constitutes a valid means of service of process. In particular, under Articles 113 and 115 of the Code of Civil Procedure of the Russian Federation, which describes service of process methods in actions in courts of general jurisdiction, personal hand-delivery of a complaint and summons to a defendant constitutes valid service of process.

6. After the February 21, 2012 meeting, I had multiple conversations with Mr. Sabelnikov's counsel regarding the substance of this case and I continued negotiations with him.

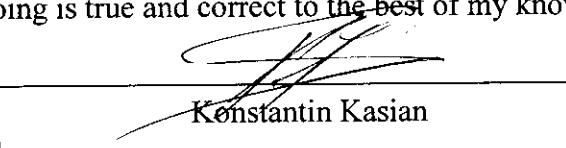
7. On April 5, 2012 at noon, I again met with Mr. Sabelnikov and his counsel at the offices of Duvernoix Legal in St. Petersburg. During the meeting we continued to discuss the

substance of the case and engaged in negotiation.

8. After the April 5, 2012 meeting, I have had multiple conversations with Mr. Sabelnikov's counsel, regarding the substance of the case and I have continued negotiations with him.

9. On August 3, 2012, I mailed to Mr. Sabelnikov and his counsel Microsoft's position that if the parties are unable to resolve this dispute within 14 days, that Microsoft intends to proceed with requesting default and seeking default judgment.

I declare under penalty of perjury under the laws of the United States of America and of the Russian Federation that the foregoing is true and correct to the best of my knowledge.



Konstantin Kasian

Executed this 6th day of August, 2012

EXHIBIT 1

Ф.107

ОПИСЬ

Вложения в ценное письмо

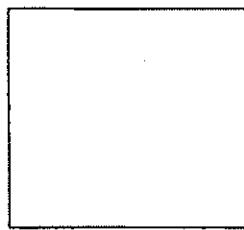
Куда: **Российская Федерация, 197198, Санкт-Петербург, ул. Воскова, д. 5, кв. 15**
(место назначения)На имя: **Сабельников Андрей Николаевич**
(наименование получателя)

№ п-н	Наименование предметов	Количество предметов	Ценность (руб.)
1	Повестка в Федеральный окружной суд США по Восточному округу штата Виргиния по гражданскому делу №1:11cv1017 (JCC/IDD) от 23.01.12г. (на английском языке)	1	5
2	Повестка в Федеральный окружной суд США по Восточному округу штата Виргиния по гражданскому делу №1:11cv1017 (JCC/IDD) от 23.01.12г. (перевод на русский язык)	1	5
3	Первое уточнение к исковому заявлению корпорации Майкрософт по гражданскому делу №1:11cv1017 (JCC/IDD) от 23.01.12г. (на английском языке)	1	5
4	Первое уточнение к исковому заявлению корпорации Майкрософт по гражданскому делу №1:11cv1017 (JCC/IDD) от 23.01.12г. (перевод на русский язык)	1	5
Итого		4	20

Общий итог ценности: 20 (двадцать) рублей

Отправитель: Касьян К.К.

Подпись



Проверил

(подпись работника связи)

(календарный
штемпель места
приема)

Ни каких помарок и поправок не допускается.

Φ. 119

УВЕДОМЛЕНИЕ

Простое
Заказное

Обведенное жирной чертой заполняется отпечатком

Письма Бандероли Поставки Отправления
1 класса
 Заказного(ой) С объявлённой
ценностью Обыкновенной

Уведомление подлежит возврату по адресу:

Кому Касику К.К.

Общие (СНГ) ААС

Адрес Россия, г. Москва

4.1 Temeka z 2004/520

Индекс места в памятнике

123056

Для дополнительных отметок отправителя



Почтовое отправление №:

Обведенное жирной чертой заполняется отправителем

Письмо Бандероль Посылка Отправление
1 класса

Заказное (ая) С объявлением
надежности Обыкновенная

адрес Сабельникову Андрею Николаевичу
Российской Федерации, г. Санкт-Петербург
ул. Воскова, д. 5, кв. 15 197198

Вручено " " 20 Е лично

по доверенности (кому)

Получил

(подпись)

(ФИО)

Руководитель ОПС:

(подпись)

(отиск КПШ ОПС места
вручения уведомления)

(оттиск КПШ ОПС места
оформления уведомления)

DEPT OF STATE
RECEIVED DEPARTMENT OF STATE APR 30 1957
U.S. 123356
RECORDED APR 30 1957
445-254-656
12335602

EXHIBIT 2

AO 440 (Rev. 04/08) Civil Summons (Page 2)

Proof of Service

I declare under penalty of perjury that I served the summons and complaint in this case on Andrey N. Sabelnikov by:

(1) personally delivering a copy of each to the individual at this place, 140 Nevskiy Prospekt
5th Floor, St. Petersburg, Russian Federation on February 21, 2012; or

(2) leaving a copy of each at the individual's dwelling or usual place of abode with _____
who resides there and is of suitable age and discretion; or

(3) delivering a copy of each to an agent authorized by appointment or by law to receive it whose name is
_____; or

(4) returning the summons unexecuted to the court clerk on _____; or

(5) other (specify) _____

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ 0.00.

Date:

August 6, 2012



Server's signature

Konstantin Kasian - counsel for Microsoft

Printed name and title

Orrick (CIS) LLC
7 Gasheka Street
Moscow, Russian Federation
123056

Server's address